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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JOHN GEE, an individual,

Plaintiff,

v.

GRACE OCEAN PRIVATE, LTD, a
foreign corporation, and **BRIGHT STAR
SHIPMANAGEMENT**, a foreign
corporation, and **M/V ALAM SETIA**, an
ocean-going cargo vessel.

Defendants.

Case No.: 3:19-cv-01224-YY

**AMENDED COMPLAINT *IN
PERSONAM* FOR DAMAGES FOR
PERSONAL INJURIES**

(NEGLIGENCE)

DEMAND FOR JURY TRIAL

Plaintiff John Gee, by and through the undersigned counsel, alleges:

1. This court has jurisdiction under 28 U.S.C. Sections 1331 and 1332.

There is complete diversity between the parties, and the amount in controversy exceeds the jurisdictional limit of \$75,000. This action is not subject to Federal

Rule of Civil Procedure 9(h). This action is also brought under 33 U.S.C. Section 905(b).

2. Plaintiff JOHN GEE is an individual residing in Colton, Clackamas County, Oregon.

3. Defendant GRACE OCEAN PRIVATE, LTD (hereinafter “Grace Ocean”) is a foreign corporation with its principal place of business in Singapore.

4. Defendant BRIGHT STAR SHIPMANAGEMENT (hereinafter “Bright Star”) is a foreign corporation with its principal place of business in the Philippines.

5. At all material times, defendant GRACE OCEAN is and was the owner of the M/V ALAM SETIA.

6. At all material times, defendant BRIGHT STAR is and was the manager and operator of the M/V ALAM SETIA, and controlled the M/V ALAM SETIA.

7. The M/V ALAM SETIA (the “vessel”) is an ocean-going cargo vessel which hauls freight world-wide.

8. At all material times, Tidal Transport and Trading (“Tidal”) is and was a foreign corporation doing business in Portland, Oregon. Tidal is in the business of, *inter alia*, providing stevedoring and terminal services including the

cleaning of the vessel holds. The defendants hired Tidal to clean the vessel holds before loading the vessel with fertilizer. On or about July 30, 2019, plaintiff and the crew were in the process of cleaning the holds of the vessel. The vessel was anchored off Terminal 5 in the Willamette River. Tidal personnel had attached and secured an equipment barge to the vessel, in order to raise and provide equipment necessary to clean the holds.

9. The crew provided attached a Jacob's ladder to the rail, and provided it for the use of plaintiff and other harbor workers to gain access to the vessel. While plaintiff held onto the ladder and ascended to the vessel rail, both vertical lines severed and he fell 25 feet and landed on his feet on the steel deck of the barge below, suffering severe injuries, breaking multiple bones in both feet and suffering compound fractures of the fibula and tibia in his right leg.

10. Defendants were negligent in one or more of the following particulars causing the proximate injuries detailed above and herein:

(a) In failing to provide a safe and sturdy Jacob's ladder or other means of ascending safely from the barge to the deck of the vessel;

(b) In providing an unsafe, worn and weak Jacob's ladder which would not sustain the weight of a person ascending the ladder;

(c) In negligently attaching, lashing, securing and positioning the ladder in such a way as to result in the ladder failing;

(d) In failing to provide a fit, safe and sturdy Jacob's ladder capable of allowing a safe ascent from the barge to the deck of the vessel;

(e) In failing to warn plaintiff and others that the Jacob's ladder provided was not sufficient and safe for allowing a person to ascend from the barge to the deck of the vessel;

(f) In failing to provide fall protection to avoid injury should the Jacob's ladder fail;

(g) In failing to provide adequate instructions to the crew and officers to allow them to determine if the ladders were in seaworthy condition capable of supporting a person ascending the ladder;

(h) In failing to properly maintain the Jacob's ladder;

(i) In failing to inspect the Jacob's ladder periodically to determine if the ladders were seaworthy;

(j) In failing to obtain inspections and certifications of the Jacob's ladders;

(k) In storing, handling or causing to be stored or handling the ladders so negligently as to cause the lines to break and injure plaintiff; and

(l) In otherwise acting so negligently as to cause plaintiff's injury.

11. As a direct and proximate result of defendants' negligence, plaintiff was severely and permanently injured and suffered and will continue to suffer great pain and disability, all to his general damages in the amount of \$5,000,000. Plaintiff prays for leave to amend at the time at trial to conform to the proof.

12. As a direct and proximate result of defendants' negligence, plaintiff has incurred and will incur substantial medical expenses in addition in an amount of at least \$1,000,000, Plaintiff prays for leave to amend at the time at trial to conform to the proof.

13. As a direct and proximate result of defendants' negligence, plaintiff has suffered, and will continue to suffer, a loss of earnings and loss of support to in the amount of at least \$3,000,000. Plaintiff prays for leave to amend at trial to conform to the proof.

WHEREFORE, plaintiff prays that judgment be entered in favor of plaintiff against defendants:

- (1) For general damages of \$5,000,000;
- (2) For special damages in the amount of \$4,000,000;
- (3) For prejudgment interest according to general maritime law;

- (4) For plaintiff's costs of suit incurred herein; and
- (5) For such other and further relief as is deemed just.

DATED this 15th day of August, 2019.

ANDERSON CAREY WILLIAMS & NEIDZWSKI

/s/ Gordon T. Carey, Jr.

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